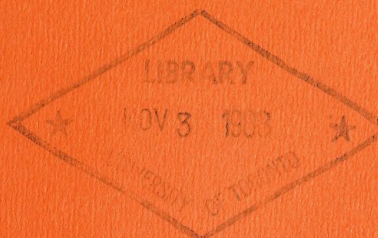


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Mobile homes information kit

This kit contains information for persons interested in purchasing or who already own a mobile home. It has been assembled by the Ministries of Consumer and Commercial Relations, Environment, Municipal Affairs & Housing, Attorney General, Natural Resources, and Revenue and is designed to provide an overview of information relating to provincial legislation, policies and responsibilities. More detailed information can be obtained from the various offices listed in the enclosed material. This information relates strictly to mobile homes and not to travel trailers, modular or prefabricated housing.



Mobile homes:

Site selection & zoning requirements

Here is some information on commonly asked questions regarding mobile homes:

Where can I put my mobile home?

In some localities, mobile homes are permitted in mobile home parks, but not on individual lots. This decision is made by local planning officials and is reflected in the planning documents covering the area.

If you are thinking of buying a mobile home, ensure that a site is committed for your use before you buy. Check with your mobile home dealer and local planning officials.

If you already own a mobile home, check with local officials where you wish to reside to determine whether mobile homes are permitted.

Is zoning required for a mobile home park?

Effective June 1, 1977, the placement or use of more than one mobile home (including double-wides) on a parcel of land is prohibited under the Planning Act, unless specifically permitted by a local zoning bylaw or a zoning order. The addition of further mobile home units, and the removal and replacement of units is likewise prohibited. Mobile homes installed and occupied prior to this date are not affected so long as they remain in their current location.

This provision is designed to prevent the development of mobile home parks in the rural countryside in areas which lack adequate zoning controls and regulations.

Both the mobile home park owner and the owners of any mobile home units located in contravention of the Planning Act are subject to fines of up to \$1,000 and/or a court order to remove all illegally placed units.

Approvals received from other agencies (e.g. Ministry of the Environment, Health Unit, Ministry of Natural Resources, Ministry of Transportation and Communications, Ontario Hydro) *do not* exempt the park owner or mobile home tenant from this requirement.

If a mobile home owner lets his dwelling deteriorate, can a municipality require him to fix it up?

Yes. A municipality has power under the Planning Act to pass a bylaw prescribing standards for the maintenance and occupancy of "property", including mobile homes. Further, a municipality may prohibit the use of any property that does not conform to the prescribed standards.



Ministry of
Municipal Affairs
and Housing

Contact:

Head Office:

Community Planning Advisory Branch
4th Floor, 56 Wellesley St. W.
Toronto, Ont. M7A 2K4
Telephone: (416) 965-3352

Regional Offices:

Central Region:
Community Planning Advisory Branch
47 Sheppard Ave. E.
Willowdale, Ont. M2N 2Z8
Telephone: (416) 224-7635
Zenith 5-2650


South East Region:
Community Planning Advisory Branch
244 Rideau St.
Ottawa, Ont. K1N 5Y3
Telephone: (613) 566-3801
Zenith 5-2650

South Western Region:
Community Planning Advisory Branch
495 Richmond St.
London, Ont. N6A 5A9
Telephone: (519) 673-1611
Toll Free: 1-800-265-4736

North East Region:
Community Planning Advisory Branch
1191 Lansing Ave.
Sudbury, Ont. P3A 4C4
Telephone: (705) 560-0120
Toll Free: 1-800-461-1193

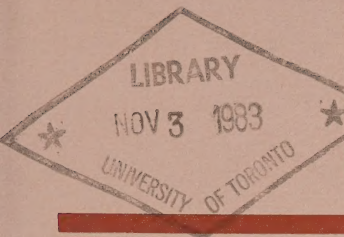
North West Region:
Community Planning Advisory Branch
435 James St. S.
Thunder Bay, Ont. P7C 5G6
Telephone: (807) 475-1651
Zenith 5-2650

To call a Zenith number, dial the operator and ask for the Zenith number listed.



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Mobile homes:

On Crown Lands

If you have purchased or leased a cottage lot or residential site from the Crown, you may choose to install a mobile home on the lot as an alternative to constructing a cottage or residence on it.

In this context, a mobile home is defined as a single family dwelling, factory built to CSA standards, and designed to be transported on wheels. This definition excludes recreational vehicles, railway cars, trolley cars, buses, vans, aircraft fuselages, and houseboats.

A mobile home:

1. Is permitted only if (a) it is acceptable under any municipal bylaws that may be in force in the area and (b) the lot is directly accessible from a well-maintained public road;
2. Must have at least 600 square feet of enclosed floor space, excluding any accessory building that may be allowed;
3. Must be placed on and anchored to a suitable foundation made of poured concrete or cemented concrete blocks, with the wheel carriage components completely removed;
4. Must conform to the specifications of the Ontario Building Code.

Accessory buildings:

1. Are those allowed by the lease or other tenure document from the Crown;
2. Must conform with the Ontario Building Code and local bylaws, if any;
3. Must have exterior finish the same as or superior to that of the mobile home.

The installation of any sewage disposal system to serve a mobile home is, as with any other dwelling, subject to pre-approval by the local Health Unit or the local office of the Ministry of the Environment.



Ministry of
Natural
Resources

Lands Administration Branch
Public Lands Section
Ministry of Natural Resources
Room 1301, Whitney Block
Queen's Park
M7A 1W3
Telephone: (416) 965-4507



Mobile homes:

Assessment & taxes

Mobile Home Assessment

Permanent mobile homes are assessed and subject to property tax.

Retail Sales Tax

New "single-wide" and "double-wide" mobile homes as defined in CSA Standard Z240 and purchased for residential purposes are subject to retail sales tax on only 50 per cent of the dealer's selling price inclusive of delivery charges.

New mobile homes not meeting these requirements and all recreational vehicles are taxed on the total selling price. The tax is payable by the purchaser.

Charges for the installation of mobile homes are exempt from tax if these charges are shown separately.

In most cases, purchases of used mobile homes are exempt from tax.

Used mobile homes already set up for occupancy are exempt from tax when purchased to remain in place, whether or not such homes meet the CSA standard.

Used mobile homes not set up for occupancy are also exempt from retail sales tax when purchased provided such homes:

- (a) are mobile homes as defined for the CSA Standard Z240, and
- (b) were previously sold in Ontario; and
- (c) were previously used as residential properties.

Other purchases of used mobile homes are taxable on the full purchase price. The tax is payable by the purchaser.

Free-standing furniture and appliances purchased with new or used mobile homes are taxed on the total purchase price regardless of the tax treatment of the home.

Property Tax Credit and Property Tax Grant

For property tax credit and property tax grant purposes, mobile homes are treated in the same manner as other residential property.

Land Transfer Tax

No land transfer tax is payable where an individual mobile home is purchased and where land is not included. On the purchase by a Canadian resident of a mobile home unit together with the land on which it is situated, land transfer tax would be payable on the registration of the deed at the rate of 0.4 per cent on the value of consideration up to \$45,000 and 0.8 per cent on the balance.

Depending on the type of land purchased, non-residents of Canada pay the same tax rates as Canadian residents or a higher rate of 20 per cent. For example, non-residents who purchase unrestricted lands, e.g. residential, commercial and industrial lands which are not used as a farm or agricultural land, woodlands, recreational land or as an orchard, would be taxed at the same rates as Canadian residents. If the non-resident purchases land which is not unrestricted, the non-resident would have to pay a land transfer tax of 20 per cent on the value of consideration for the land. The deferral or remission of tax may be made under certain conditions on conveyances of land to non-resident individuals and corporations.



Ministry
of
Revenue

Ontario

Information Services
Ministry of Revenue
77 Bloor St. W.
Toronto, Ont.
Telephone: (416) 965-2099



Mobile homes: **Landlord & Tenant Act**

All the relevant provisions of Part IV of the Landlord and Tenant Act also apply to landlords of mobile home parks and owners of mobile homes (not travel or tent trailers) who rent sites in a park. The act itself should be consulted to interpret and apply the law. The intended effects of a few of the provisions related directly to the mobile home park situation are that tenants in these parks may sell, lease, or otherwise dispose of their mobile homes, even if the homes remain in the park. However, the landlord may have reserved the right in the tenancy agreement to approve a new tenant. The landlord cannot unreasonably or arbitrarily withhold his consent to new owners remaining as tenants in the park. The landlord is entitled only to charge reasonable expenses for giving consent. Any dispute over the landlord's consent may be referred to a county or district court judge.

The landlord is not entitled to act as the tenant's agent in the sale, rental or other disposal of the tenant's mobile home, unless there is a written contract to that effect.

Landlords are not permitted to charge entry and installation fees or removal exit fees for mobile homes in the park, or for the granting of a tenancy, except to recover reasonable expenses.

A landlord may not restrict the right of a tenant to purchase goods or services from a person of his or her choice. The landlord may, however, set reasonable standards for mobile home equipment.

Landlords are obliged to provide garbage disposal, snow removal and maintain roads and services within the mobile home parks. Tenants may apply to the county or district court to have these obligations enforced.

In some municipalities in Ontario, local governments or community organizations have established Landlord and Tenant Advisory Bureaus or information agencies where information on the Landlord and Tenant Act can be obtained.

These include:

Metropolitan Toronto	367-8572
City of Hamilton	527-0241
City of Brantford	759-4150
City of Windsor	255-6400
Region of Peel	625-4432
Region of Waterloo	885-9588
Region of Halton	827-2151
Information Strathroy	245-4330
Information Niagara	682-6611
	or 356-4636
City of Thunder Bay	623-2711
Region of York	895-1231



Ministry of
the Attorney
General

Ontario



Mobile homes:

Rent Review

Under Ontario's Residential Tenancies Act, rules governing the amount and frequency of rent increases apply to rented mobile homes or mobile home sites used for residential purposes.

A mobile home is defined as:

"any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer, or tent trailer, or trailer otherwise designed."

Landlords are required to give 90 days' written notice to tenants before a rent increase, regardless of amount, can be imposed. A standard notice of rent increase is to be used, which lists the intended date on which the increase will take effect, and the amount of the rent increase expressed in dollars per month and as a percentage of the rent currently being charged.

Only one rent increase per year, regardless of amount, may be charged. This applies to the structure or the site itself. Even if the ownership of the mobile home park changes hands, or the tenant who rents a mobile home or site changes, at least 12 months must elapse between rent increases on each individual home or site.

If a landlord is entitled to increase the rent, and if proper notice is given, a rent increase up to 6 per cent may be charged. Any increase above this amount requires the approval of the Residential Tenancy Commission, regardless of tenant consent to the higher increase.

A landlord who wants approval from the commission for a rent increase above 6 per cent may make

a landlord's application for rent review, no later than 60 days prior to the effective date of the proposed rent increase. The commission would then hold a hearing to review the landlord's costs of operation to see if the higher increase is justified.

While a landlord need not make an application for approval of an increase within 6 per cent, a tenant has the right to challenge an increase of any amount. To do this, a tenant must file a tenant's application for review of intended rent increase no later than 60 days prior to the effective date of the proposed rent increase.

If such an application is made, the commission will review the application to compare the proposed rental amount with the rent charged for other similar premises within the same park, or consider whether there has been any improvement or deterioration in the standard of maintenance and repair affecting the rental unit.

Exemptions

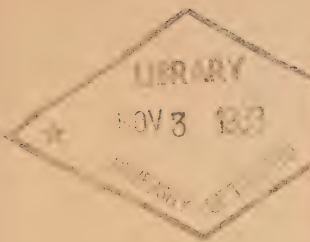
A mobile home or mobile home site not occupied as a rental unit before January 1, 1976 is exempt from the rules governing the amount and frequency of rent increases (although lease restrictions may continue to apply). However, the landlords of such premises are still required to give tenants 90 days' notice in writing of a proposed rent increase of any amount.

Further information is available from local offices of the Residential Tenancy Commission, located throughout Ontario. Consult your local telephone directory for the address and office for your area, or dial Operator and ask for Zenith 9-6000.



Residential
Tenancy
Commission

Ontario



Mobile homes:

The Ontario Building Code

Mobile homes are factory built, single-family dwellings designed to be placed on permanent foundations and connected to utilities.

The regulations of the Ontario Building Code apply to all mobile homes newly constructed and placed on a foundation in the province of Ontario since Dec. 31, 1975.

The same basic regulations in the Building Code that apply to conventional on-site constructed dwellings apply to factory-assembled mobile homes.

The purchaser of a mobile home can be reasonably assured that the unit complies with the regulations of the Ontario Building Code if it bears the CSA labels certifying that the unit was built to CSA standards Z.240.2.1. - 1979 and Z.240.8.1. - 1978.

It should be noted that some manufactured buildings are constructed to satisfy CSA standard A.277. This standard requires compliance with the National Building Code and therefore satisfies the Ontario Building Code.

The labels are a confirmation that the unit has been inspected at the factory for compliance with CSA standards. This inspection does not cover transportation to the site nor placement on a foundation.

Placement of the mobile home on a permanent foundation and connection to utilities would be most logically handled by the dealer.

References are made in the Building Code to buildings less than 14 ft. wide, which would mainly be mobile homes. For example, there are special anchorage or tie-down requirements to prevent these units from being damaged due to displacement or overturning as a result of wind loading.

Footings and foundations for mobile homes must be designed and constructed in the same way as those for conventional on-site constructed dwellings. Alternatives include: concrete slab on grade, piers or continuous perimeter foundations.

For fire protection, listed products of the combustion detector type or detectors of the single station alarm type, audible within bedrooms, must be installed at the ceiling between the sleeping areas and the remainder of the dwelling unit.

General requirements of the Ontario Building Code pertaining to exits, foundations and insulation apply to both mobile homes and on-site constructed dwellings and both types of units must be designed and constructed to meet the above requirements.



Ministry of
Consumer and
Commercial Relations

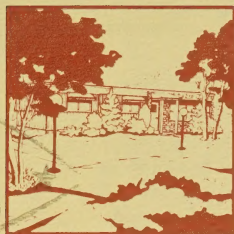
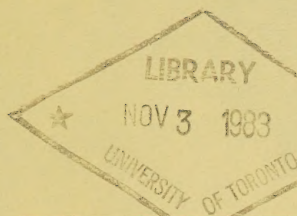
Consumer Information Centre
Ministry of Consumer & Commercial Relations
1st floor
555 Yonge St.
Toronto, Ont. M7A 2H6
Telephone: (416) 963-1111

conveying and disposing of sewage. Wherever feasible, connection shall be made to a public system. When a satisfactory public sewage system is not available, an approved private sewage system may be developed and operated.

All sewer lines shall be located in trenches of sufficient depth to avoid freezing, to be free of breakage due to traffic and shall be separated from the development water supply at a safe distance.

Noise & other disturbances

In the selection of a mobile home site, find out about activities and operations on lands adjacent to, or near the site that could be a disturbance or annoyance. This would include the possibility of odors and/or noise from farm operations, industrial activity, highways, railways, airports and other activities and utilities. The impact of noise can be attenuated to a certain extent by separation, site design and structural alterations, but mobile homes often provide limited opportunity for incorporation of noise control measures.



Mobile homes:

Consumer protection

Home warranties

Some new mobile homes sold in Ontario are protected by the **Ontario New Home Warranties Plan Act, 1976**. This act — administered by the HUDAC New Home Warranty Program — a non-profit corporation — applies to homes sold on or after Jan. 1, 1977 (a list of the offices appears on the reverse side).

Mobile homes bought without permanent foundations, or which are only later set on foundations, purchased or rented from parties other than the original registered builder/vendor, are not covered.

Coverage is extended to a mobile home where:

1. It is built according to the Ontario Building Code,
2. It is placed on a permanent foundation,
3. It is sold and erected on a permanent foundation by a registered builder or vendor,
4. It is sold for permanent occupancy, not seasonal use.

Builders and vendors of such homes are obliged to give a first-year warranty that the homes are constructed in a workman-like manner, free from major structural and materials defects, fit for habitation and built according to the Ontario Building Code.

Builders and vendors are responsible for repairing any defects in material or workmanship discovered in the first year of habitation. If they are incapable of doing so, the corporation will do so. It will also correct major structural defects discovered during the second to the fifth year.

A warranty applies to subsequent purchases as long as the home is not moved from its original location.

Consumer Legislation

Used mobile homes are not covered by the New Home Warranties Plan Act. They would legally be

deemed "chattels" (personal property) and be subject to other consumer protection laws, such as The Business Practices Act, The Consumer Protection Act and The Real Estate and Business Brokers Act.

The Business Practices Act creates sanctions against and prohibits a wide range of unfair practices in consumer sales and services, although transactions in real property (land) are excluded.

Under this Act, a transaction or agreement may be cancelled within six months if a false, misleading, deceptive, or unconscionable representation has taken place.

The Consumer Protection Act regulates door-to-door sales people and establishes the purchaser's right to a written contract giving full details of the sale whenever delivery of the goods, performance of services, or payment will take place after the contract has been signed. Complete disclosure of the credit arrangements must also be made in the contract.

The Real Estate and Business Brokers Act provides for the registration and bonding of real estate brokers and the registration of salesmen.

The purchase or lease of a mobile home unit permanently situated on a lot or the purchase or lease of a lot on which to place a mobile home may be arranged through these agents. Units purchased separately are not considered to be real property and need not be handled by real estate brokers and salesmen.

These acts are administered by nine Consumer Services Bureaus across the province which have been set up to provide information and to protect consumers' rights and privileges under Ontario law.

Liens

The personal property security registration (PPSR) branch of the Ministry of Consumer and Commercial Relations has a computerized registry of 2.5 million items of personal property used as security for debt in Ontario.

(over)



Ministry of
Consumer and
Commercial Relations

Consumer Information Centre
Ministry of Consumer & Commercial Relations
1st. Floor
555 Yonge St.
Toronto, Ont.
M7A 2H6
Telephone: (416) 963-1111

Anyone contemplating the purchase of a used mobile home should check with the branch to find out if that property has a lien on it; that is, has the home been used as security for debt? Mobile home owners should check for liens with the provincial land registry office in their area before buying a plot of land for the home.

If a home (or an area of land) with a lien on it is sold, the debt passes to the purchaser of that property and legal title to the home or land is postponed until the debt is paid.

This, however, would not prevent physical use of the property.

Lenders who accept personal property as a security for debt must register the security interest (the lien) with the Ministry of Consumer and Commercial Relations. Security interest on personal property must be registered with the PPSR branch. Liens on land, with or without buildings, must be registered with the land registry branch.

Because the definition of mobile home varies for different purposes, a debt using such a home as a security may be registered in either category.

For \$2 one of Ontario's 48 local PPSR offices located in the land registry office of each county or district town will ascertain whether a lien exists.

When a mobile home park owner agrees to a lease in excess of seven years, the lease must be registered with land registry and the mobile home could be used as a security for the debt. Notices of the security debt could be registered against the leased land.

Enquiries regarding chattel registration should be directed to local PPSR offices. Multiple enquiries (over 20 per month) may be directed to PPSR head office, at 400 University Ave., Toronto, Ont. M7A 2J5, and paid by deposit account.

HUDAC New Home Warranties Plan offices:

Head Office

600 Eglinton Ave. East
Toronto, Ont.
M4P 1P3
Telephone: (416) 488-6000

Ottawa Regional Office

(serving Eastern Ontario)
969 Bronson Ave.
Suite 203
Ottawa, Ont.
K1S 4G8
Telephone: (613) 235-7288

Hamilton Regional Office

(serving Hamilton and Niagara)
499 King St. East
St. John Place, Suite 202
Hamilton, Ont.
L8N 1E1
Telephone: (416) 522-3744

Kitchener Regional Office

(serving Southwestern Ontario)
385 Frederick St.
(Mall), Main Floor
Kitchener, Ont.
N2H 2P2
Telephone: (519) 744-0861

Thunder Bay Regional Office

(serving Northwestern Ontario)
West Arthur Place
1265 Arthur St. W.
Suite 704
Thunder Bay, Ont.
P7E 6E7
Telephone: (807) 623-4791

Sudbury Regional Office

(serving Northern Ontario)
Cedar Point Shopping Plaza
Unit C
1984 Regent St. South
Sudbury, Ont.
PE3 5S1
Telephone: (705) 522-2522

Check before buying

Purchasing a mobile home is a major investment. The potential buyer should find out as much as possible before making a decision.

Before buying a mobile home, investigate the quality of the home and its appliances.

The location

Mobiles can be expensive to move, requiring shipment by special tractor truck or even rail. Owners seldom move from lot to lot. Consequently, short-term leases and other limited arrangements for the use of local utilities and facilities may prove unsatisfactory.

Mobile home purchasers intending to locate in a mobile home park should discuss amenities in detail with local residents. What are the rights, privileges and responsibilities concerning the location, rent of land, use of utilities, payment of taxes, insurance, rules regarding children, pets and cars?

Does the home come under the New Home Warranty Plan Act? If so, what is the enrolment number of the particular mobile home? (The act calls for the registration of each new mobile home that meets the requirements outlined in the information sheet dealing with warranties, as well as the separate registration of the builder. The enrolment number can be produced on request by the builder/vendor or checked at one of the plan's Ontario offices listed on the same information sheet which is enclosed in this package.

If a new home warranty under the act is provided, who is giving it — the manufacturer or the vendor? Is either registered with the Ontario New Home Warranties Plan?

- Does the home carry a CSA label?
- Do the appliances inside carry CSA labels?
- Are there any written guarantees for the home or the appliances?
- Do they apply in Ontario?

To safeguard your interest it may well be necessary to have signed documents from the manufacturer and/or vendor and the landlord of a mobile park or other location.

If the home is enrolled in the Ontario New Home Warranties Plan, a certificate of completion and possession must be completed after inspection by both builder and purchaser. Any defects listed in this certificate must be remedied in reasonable time. The name of the person in the building to whom complaints should be directed must also be given.

Don't sign or pay anything until written guarantees, leases, contracts and any other documents have been secured and examined, preferably by your lawyer.

Check these points:

- ☐ Does the mobile home comply with the Ontario Building Code?
- ☐ Does the foundation meet the requirements of the Ontario Building Code?
- ☐ What manufacturer's warranties are available on the structure itself and on interior equipment?
- ☐ Is there a suitable site where the mobile home can be placed?
- ☐ Does this site meet the zoning requirements of the municipality?
- ☐ Is the lot size suitable for the mobile home?
- ☐ Do you own the land or will you rent it?
- ☐ If you rent the land, is there a written tenancy agreement with the landlord?
- ☐ Are the utilities adequate?

If you are going into a mobile home park check for:

- Recreational facilities
- Schools
- Open space
- Transit facilities
- Landscaping
- Parking space

